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EXAMINER	
MOORTHY, ARAVIND K	
ART UNIT	**PAPER NUMBER**
2131	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/871,415	PERLMAN, STEPHEN G.	
	Examiner	Art Unit	
	Aravind K. Moorthy	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-29,31-41,43-45 and 56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-29,31-41,43-45 and 56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

RD

DETAILED ACTION

1. This is in response to the communication on 3 June 2005.

2. Claims 23-29, 31-41, 43-45 and 56 are pending in the application.

3. Claims 23-29, 31-41, 43-45 and 56 have been rejected.

4. Claims 1-22, 30, 42 and 46-55 have been cancelled.

Response to Arguments

5. The indicated allowability of claims 23-28 is withdrawn in view of the newly discovered reference(s) to Ludtke. Rejections based on the newly cited reference(s) follow.

Claim Objections

6. Claims 31 and 43-45 are objected to because of the following informalities: improper dependencies.

Claims 31 and 43-45 depend upon cancelled claims. For the sake of examination, the examiner assumes that claim 31 depends upon 29 and claims 43-45 depend upon claim 41.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 23-29, 31, 32, 36-40 and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludtke U.S. Patent No. 6,154,206.

As to claim 23, Ludtke discloses a method for deploying new multimedia receiver apparatuses comprising:

encrypting channels using both conditional access ("CA") encryption and a different form of encryption [column 7, lines 47-64]; and

simulcasting the channels encrypted in both CA encryption and the different form of encryption [column 7, lines 47-64];

the channels encrypted using the different form of encryption being decryptable by the new multimedia receiver apparatuses and the channels encrypted using the CA encryption being decryptable by other multimedia receiver apparatuses [column 11, lines 11-36].

As to claim 24, Ludtke discloses that the method further comprises:

transmitting a specified group of channels using no encryption [column 9 line 49 to column 10 line 5].

As to claim 25, Ludtke discloses that the specified group of channels are basic cable channels and the channels being simulcast are premium channels [column 9 line 49 to column 10 line 5].

As to claim 26, Ludtke discloses that the method further comprises:

encrypting a portion of the specified group of channels using both CA encryption and a different form of encryption [column 11, lines 11-36]; and

simulcasting the portion encrypted using CA encryption and the portion encrypted using the different form of encryption [column 11, lines 11-36].

As to claim 27, Ludtke discloses that the different form of encryption is digital video broadcast ("DVB") encryption [column 9 line 49 to column 10 line 5].

As to claim 28, Ludtke discloses that the method further comprises:

regularly modifying channels included within the portion [column 10, lines 28-48].

As to claims 29 and 56, Ludtke discloses a computer-implemented method for processing multimedia channels comprising:

encrypting a first group of multimedia channels using conditional access ("CA") encryption to produce a first group of encrypted multimedia channels [column 7, lines 47-64],

encrypting the first group of multimedia channels using a different type of encryption to produce a second group of encrypted multimedia channels [column 7, lines 47-64],

simulcasting the first group of encrypted multimedia channels with the second group of encrypted multimedia channels to a plurality of multimedia subscribers having either a new multimedia receiver or a legacy multimedia receiver, the second group of encrypted multimedia channels being decryptable by the new multimedia receivers and the first group of encrypted multimedia channels being decryptable by the legacy multimedia receivers [column 11, lines 11-36].

As to claims 2, 18 and 42, Ludtke discloses that the first type of encryption is standard conditional access ("CA") encryption [column 10, lines 16-27].

As to claims 3, 19, 31 and 43, Ludtke discloses that the different type of encryption is digital video broadcast ("DVB") encryption [column 9 line 49 to column 10 line 5].

As to claims 4 and 32, Ludtke discloses that the first group of multimedia channels are subscription based channels [column 9 line 49 to column 10 line 5].

As to claims 8 and 36, Ludtke discloses that the method further comprises:

transmitting a second group of multimedia channels in an unencrypted format [column 10, lines 28-48].

As to claims 9 and 37, Ludtke discloses that the second group of multimedia channels are basic cable channels and the first group of multimedia channels are subscription-based cable channels [column 10, lines 28-48].

As to claims 10 and 38, Ludtke discloses that the method further comprises:

encrypting a first subset of the basic cable channels using the first type of encryption to produce a first group of encrypted basic cable channels [column 7, lines 47-64];

encrypting the first subset of the basic cable channels using the different type of encryption to produce a second group of encrypted basic cable channels [column 7, lines 47-64]; and

concurrently transmitting the first group of encrypted basic cable channels with the second group of encrypted basic cable channels to the plurality of multimedia subscribers [column 11, lines 11-36].

As to claims 11 and 39, Ludtke discloses that the method further comprises:

transmitting a second subset of the basic cable channels in an unencrypted format [column 10, lines 28-48].

As to claims 12 and 40, Ludtke discloses that the method further comprises:

regularly transferring channels from the first subset of basic cable channels to the second subset of basic cable channels and channels from the second subset of basic cable to the first subset of basic cable channels [column 10, lines 28-48].

As to claim 13, Ludtke discloses a method comprising:

receiving a plurality of channels from content providers at a cable headend [column 7, lines 47-64];

simulcasting premium cable channels to a plurality of subscribers in both a first encrypted format and a second encrypted format [column 7, lines 47-64]; and

transmitting non-premium channels to the plurality of subscribers in a non-encrypted format [column 10, lines 28-48].

As to claim 14, Ludtke discloses that the method further comprises:

simulcasting a first subset of the non-premium cable channels to the plurality of subscribers in the first encrypted format and the second encrypted format [column 7, lines 47-64].

As to claim 15, Ludtke discloses that the method further comprises:

transmitting a second subset of the non-premium channels to the subscribers in an unencrypted format [column 10, lines 28-48].

As to claim 16, Ludtke discloses that the method further comprises:

regularly transferring channels from the first subset of non-premium cable channels to the second subset of non-premium cable channels and channels from the second subset of non-premium cable to the first subset of non-premium cable channels [column 10, lines 28-48].

As to claim 17, Ludtke discloses transmitting channel mapping data to the subscribers identifying non-premium channels in the first subset and in the second subset [column 8, lines 38-50].

8. Claims 41, 43, 44 and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton et al U.S. Patent No. 5,504,816.

As to claim 41, Hamilton et al discloses a headend system for processing multimedia streams comprising:

a first encryption module to encrypt a first plurality of multimedia streams using conditional access ("CA") encryption; and

a second encryption module to encrypt the first plurality of multimedia streams using a different type of encryption [column 5, lines 14-65]; and

a quadrature amplitude modulation module to modulate the first plurality of multimedia streams encrypted in both CA encryption and the different type of encryption for transmission to a plurality of multimedia subscribers having either a new multimedia receiver or a legacy multimedia receiver, each new multimedia receiver being capable of decrypting the first plurality of multimedia channels encrypted in the different type of encryption and each legacy multimedia receiver

being capable of decrypting the first plurality of multimedia channels encrypted in the CA encryption [column 4, lines 49-64].

As to claim 43, Hamilton et al discloses that the different type of encryption is digital video broadcast ("DVB") encryption [column 5, lines 26-49].

As to claim 44, Hamilton et al discloses that the first plurality of multimedia streams are premium cable channels [column 3, lines 51-62].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke U.S. Patent No. 6,154,206 as applied to claims 1, 13 and 29 above, and further in view of Traw et al U.S. Patent No. 6,542,610 B2.

As to claims 5-7, 20-22 and 33-35, Ludtke does not teach that the method further comprises compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Ludtke does not teach that the first compression type is MPEG-2. Ludtke does not teach that the second compression type is MPEG-4. Ludtke does not teach a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the

one or more multimedia streams to the second compression module for re-compression using the second compression type.

Traw et al teaches compressing a first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Traw et al teaches that the first compression type is MPEG-2. Traw et al teaches that the second compression type is MPEG-4. Traw et al teaches a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type [column 4, lines 3-65].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ludtke so that the method further comprised compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. The first compression type would have been MPEG-2. The second compression type would have been MPEG-4. There would have been a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ludtke by the teaching of Traw et al because using

compression types of MPEG-2 and MPEG-4 provides good broadcast quality and provides low bandwidth video [column 4, lines 3-7].

10. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al U.S. Patent No. 5,504,816 as applied to claim 41 above, and further in view of Traw et al U.S. Patent No. 6,542,610 B2.

As to claim 45, Hamilton et al does not teach that the method further comprises compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Hamilton et al does not teach that the first compression type is MPEG-2. Hamilton et al does not teach that the second compression type is MPEG-4. Hamilton et al does not teach a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

Traw et al teaches compressing a first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Traw et al teaches that the first compression type is MPEG-2. Traw et al teaches that the second compression type is MPEG-4. Traw et al teaches a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type [column 4, lines 3-65].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamilton et al so that the method further comprised compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. The first compression type would have been MPEG-2. The second compression type would have been MPEG-4. There would have been a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamilton et al by the teaching of Traw et al because using compression types of MPEG-2 and MPEG-4 provides good broadcast quality and provides low bandwidth video [column 4, lines 3-7].

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy AKM
August 18, 2005

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